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Mr. President, it would be possible to continue giving citations and examples which prove beyond the shadow of doubt that a State has been both the constitutional right and responsibility to specify the qualifications for voters, both in State and Federal elections, including requiring voters to pass literacy tests if such literacy tests are not used as a cloak to discriminate against anyone on the basis of race, color, or previous condition of servitude. However, this should be sufficient authority to convince anyone of the basic constitutional right of the States to require literacy standards for voters. For this reason, I would like to turn now to the bill itself and attempt to point out some of the more obvious defects of the proposal.

The primary object of the bill is to outlaw the use of any "test or device" to determine the qualifications of voters in any State or political subdivision of a State if, first, less than 50 percent of the persons of voting age residing in the State were registered on November 1, 1964; or, second, less than 50 percent of such persons voted in the presidential election of November 1964.

The Attorney General is empowered to determine what standard required by a State will be considered a "test or device" for the purposes of the bill. Section 3(b) of the bill contains broad guidelines for the Attorney General, but it is clear that he is delegated unlimited power to brand any qualification a "test or device" and outlaw its further use. To illustrate, if an applicant is required to sign his name to the application blank, then obviously he is being required to demonstrate his ability to write. The Attorney General, under the terms of this bill, could determine that this is a prohibited test or device. Similarly, the prohibition against requiring an applicant to "demonstrate any educational achievement" forces me to the conclusion that title I, the voting rights section, of the Civil Rights Act of 1964 falls within the prohibition of this bill. As you are aware, that act states that proof of a sixth-grade education raises a rebuttable presumption of literacy. This is unquestionably a requirement of educational achievement which would fall within the proscriptions of the pending measure. In this unhappy circumstance, a State registration official would be placed in the unenviable position of violating one Federal law by enforcing another Federal law.

This bill is predicated upon the presumption that the terms of the 15th amendment have been violated merely by the existence of the fact that less than 50 percent of the voting-age residents of a State or political subdivision of a State were registered or voted at the time of the presidential election of 1964. This is a presumption which has no logical or legal connection with the facts. It must be remembered that the 15th amendment prevents the United States or any State from denying or abridging the right of a citizen to vote solely on account of race, color, or previous condition of servitude. Any appropriate legislation designed to further effectuate the protection provided by this amendment must be predi-

cated upon the denial of the right to vote for the specific reasons enumerated in the amendment.

The pending bill goes far beyond that. It would allow the registration of individuals who are not qualified to vote under any objective standard, regardless of race or color, in the guise of preventing discrimination solely because of race or color. If the presumption were valid, then the bill would apply and would have to be enforced in all political subdivisions which meet the statistical test. It is evident, however, that the Department of Justice has no intention of applying the terms of this bill to any section of the country outside of the South.

There is no question in my mind but that the premise of the bill fails to meet any objective standards which would be necessary to assure its constitutionality. In reality, the bill would not effect and override racial discrimination which exists in areas outside of the South. The bill would allow an illiterate to register and vote in the six Southern States and 34 counties of the other Southern State covered, but it would not allow the same illiterate to register and vote in any of the other States of the Union which require a literacy standard but do not fall statistically within the purview of this proposal.

To this extent, the bill establishes a double standard—one for the federalized States and another for the States which were fortunate enough to have over 50 percent of their voting age population registered and voting in November 1964. It is grossly unfair to the people of these six Southern States to have such rank discrimination imposed upon them.

The figures upon which all these conclusions have been based are subject to serious question. The Attorney General and other proponents of this bill primarily rely upon a tabulation of registration and statistics compiled and distributed by the Commission on Civil Rights. Needless to say, the figures contained in this compilation pertain to only 11 Southern States.

To illustrate my contention concerning the questionable nature of these figures, a large portion of the statistics for the State of South Carolina contained in this study by the Civil Rights Commission are attributed to an article from the November 1, 1964, edition of the Charleston News and Courier. By no means do I question the dedication and ability of the author of this article; but the fact remains that these are, at best, unvalidated and unofficial figures. This article estimates the total registration for the State of South Carolina as of November 1, 1964, to be 816,457. The figure given by the Civil Rights Commission is 816,458 registered voters, a deviation of only one voter. However, a newspaper article which appeared in the Greenville, S.C., News on March 16, 1965, states that the official total registration for the 1964 election in South Carolina was 772,748. This figure was attributed to the secretary of state of South Carolina, the Honorable O. Frank Thornton, whose office has jurisdiction

over the official voting records in South Carolina. For that reason, I believe that the latter figure of 772,748 would be more reliable. This one example merely serves to point out the difficulty in obtaining accurate and meaningful statistics upon which to base any proposal, if this is indeed the proper way to proceed in this matter.

The total voting age population of the State of South Carolina, according to the 1960 census, was 1,266,251. The total voting age population of the State of South Carolina as of November 1, 1964, according to the estimates of the Bureau of the Census, was 1,380,000. I would like to remind the Members of the Senate that this figure is an approximation and is not an official tabulation. By using every possible combination of the four figures available, over 50 percent of the voting-age population of the State of South Carolina was registered at the time of the presidential election of 1964. If registration were the sole criterion contained in this bill, the State of South Carolina as a whole would not be covered. However, South Carolina is covered, simply because an unfortunately large percentage of those registered to vote chose not to vote in the presidential election of 1964. Last fall 524,748 registered voters cast their ballot in the presidential election. This is less than 50 percent of either the official voting age population based on the 1960 census or the unofficial estimate by the Bureau of the Census of the voting age population as of November 1, 1964.

Mr. President, there is no Federal law, and no State law that I know of, which requires qualified citizens to vote. Neither have I heard it suggested by any of the proponents of this legislation that such a law is desirable or is a necessary prerequisite to the full and free enjoyment of the freedom which is sought to be achieved through the enactment of the pending bill.

We all agree that it is one of the responsibilities of citizenship to vote in all elections and thereby contribute to representative government. Mr. President, I take a back seat to no one in attempting to get out the vote. Last fall, I traveled all over the State of South Carolina in an effort to get out the vote, and my efforts were not limited to the State of South Carolina.

I spoke to everyone who would come to hear me. I urged that they vote in the presidential election. I might add that I even suggested very strongly which candidate they should support. Even with all these efforts by me and many others, less than 50 percent of the voting age population of South Carolina voted last November. Even so, the total vote far exceeded any previous vote ever cast in the State. Previous voting records were surpassed by at least 100,000 votes.

South Carolina has made and is continuing to make great strides in voter registration and participation, and yet no mention is made of this fact. One must be forced to the conclusion that freedom necessarily includes the right not to vote as well as the right to vote as each individual decides.

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There are no valid charges of voting discrimination in South Carolina based on race, color, or previous condition of servitude. Even the Attorney General, in his statement to the Senate Judiciary Committee, stated that, "of the six Southern States in which tests and devices would be banned statewide by section 3(a), voting discrimination has unquestionably been widespread in all but South Carolina and Virginia." His attempt to justify the application of the bill to South Carolina on the basis that, "other forms of racial discrimination are suggestive of voting discrimination," does a great injustice to the State of South Carolina and is unworthy of any high ranking Federal official. This is guilt by association in its worst form.

The only constitutional method whereby the National Government could take over the voting processes of any State would be by constitutional amendment. This is the method which was followed in doing away with the poll tax as a prerequisite for voting in Federal elections. It is the only method which can be constitutionally taken to establish voter qualifications in any State.

LET THE PEOPLE DECIDE

Mr. CURTIS. Mr. President, a little over a year ago, on June 15, 1964, the Supreme Court of the United States rejected a great principal which has been one of the cornerstones of our democratic system of government. Specifically, the Court revoked the principal that all segments of the population of a State should be represented in the legislative body of the State which governs them.

On that June day to which I refer, the Court, in handing down decisions dealing with the reapportionment of the legislatures in six States, rejected the time-proven doctrine that all the people are entitled to equal protection. Thus, as the Constitution is now interpreted and unless the Dirksen amendment (S.J. Res. 2) is adopted, the people of the 50 States will be denied, or granted, representation merely on a population basis.

The Dirksen amendment is a simple measure. It merely gives effect to the first three words of our Federal Constitution. If those three words, "We, the people . . ." are to be given a meaning, the Dirksen amendment providing that the right and power to determine the composition of a State legislature shall remain with the people, must be adopted by this body. Why cannot the people of our States be trusted to determine their own destiny? Why cannot we recognize, here and now, the resolutions adopted by 28 State legislatures which have called for a constitutional convention for the purpose of amending the Constitution so as to overcome the harshness, the injustice, and yes, the undemocratic features of the Supreme Court's reapportionment decisions? Why must "We, the people" be denied the right to apportion our own State legislatures by a judicial oligarchy of five men who made the basic reapportionment decision?

The Dirksen amendment is to simply provide the people with a means of apportioning one house of their State legislature on the basis of factors other

than population if, and only if, that apportionment has been submitted to a vote of the people and approved by a majority of those voting. By not letting the people decide, by not passing the Dirksen amendment, we in the Senate will stand accused of supporting "judicial tyranny."

Colorado, Nebraska's good neighbor to the west, has had its heartaches and headaches with the Supreme Court's decisions. Moreover, the people of Colorado have even had the Supreme Court deny them their rightful choice as to apportionment of their legislature. In 1962, the people of Colorado were given the right to choose by an election one of two methods by which their legislature could be apportioned. The first plan, the so-called Federal plan, had one house of the Colorado Legislature based on population only while the other house was to be based on geography plus population. The second plan provided for both houses of the Colorado Legislature to be based on population only. By a 2 to 1 majority, the people of Colorado chose the Federal plan over the one-man, one-vote plan. Yet the Supreme Court rejected the choice of the people of Colorado and insisted upon their own obscure and confusing dogma. It was nothing less than judicial tyranny when the plan approved by the good citizens of Colorado was obstructed.

In the Colorado case—*Lucas v. Forty-fourth General Assembly of Colorado*, 377 U.S. 713, 1964—Justice Stewart made what I consider to be a great and rational dissenting opinion from which I quote:

To put the matter plainly, there is nothing in the history of all this Court's decisions which supports this constitutional rule. The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of our Federal Union.

It is clear that the Court's concept of equality is based on sheer numbers rather than on a plan of rational representation of all the various interests in a State. By these reapportionment decisions, the Court has done nothing more than to say, "might makes right." I hope the Senate will reject these "might makes right" decisions, adopt this amendment, and let "we, the people" determine how their legislatures are to be apportioned.

The good citizens and the legislature of my own State of Nebraska have been vexed by these reapportionment decisions. In 1962, the citizens of my State amended our constitution and by popular vote, selected a method of redistricting our legislature. The amendment to which I refer provided that:

Primary emphasis shall be placed on population and not less than 20 percent nor more than 30 percent weight shall be given to area.

By adopting this amendment, the people of Nebraska clearly indicated their preference, yet the Federal courts have said "No" to the citizens of Nebraska.

The courts, through these reapportionment decisions, have substituted their wisdom for that of the people. Why cannot the people, not only in Ne-

braska, but in the other 49 States as well, be trusted to adopt fair and equitable apportionment of their legislatures? There is not a Member of this body who would be here today except for direct action by the people of his State.

If today we say the people are not to be trusted to select their own method of apportioning their legislatures, tomorrow we shall surely hear the cry that the people are not to be trusted to select their representatives to the U.S. Senate.

As U.S. Senators, it is and must always be our duty to insure all the citizens of all the States and all the various areas within those States fair and equitable representation. I am heartily in agreement with the contention of the sponsors of this amendment when they say that such representation cannot be brought about by cold computer totals that turn people into numbers and numbers only. To adopt such a philosophy and such an approach, in my opinion, is to cast aside that precedent that has been fundamental to our way of life. It is to depart from a system of representation that has made the rural areas of our States self-reliant and self-confident. I am utterly amazed when I hear the opponents of this proposed amendment claim that they are abiding by the best of civil liberties precepts when they tell us that the vast and widely scattered units of our economy are entitled to only such representation as they can win through bargaining with the political bosses of big cities. This is not the way things have been done in this country. It is not in keeping with the American philosophy and with the American understanding of fairness.

To me, this entire debate has resolved itself into the simple question of whether we, as Senators, are afraid to trust the voters who sent us to Washington—trust them, I mean, to make other decisions as to how they want to be represented. I, for one, am going to support a constitutional amendment that will permit such decisions to be made at the voter level. I urge support for the distinguished Senator from Illinois, the Honorable EVERETT DIRKSEN, in his splendid efforts to increase legislative responsibility and leadership at the State level.

FREEDOM ACADEMY LEGISLATION MOVES FORWARD

Mr. MUNDT. Mr. President, it is frequently difficult for a layman to speculate accurately about what activities of Congress or in Washington are likely to be considered newsworthy by the news-gathering people on Capitol Hill. A difference of opinion involving two officials of different political conviction may stir up columns of comment and reportorial material whereas a decision by a committee of Congress—unanimously arrived at—may be overlooked almost entirely by the press despite the fact its potentiality is so great it can conceivably change the course of human history.

A recent case in point is the unanimous vote by which the House Committee on Un-American Activities reported favorably to the House the so-called

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Freedom Academy bill. This significant action was virtually unreported by half the Nation's press; it was overlooked entirely by many of the commentators and reporters who purport to give the public a full and fair daily report on national developments over radio and television.

Even the wire services failed to catch its significance or to report its highly important ramifications. If passed by this session of Congress—as I hope will happen—the enactment of legislation to create a Freedom Academy for strengthening the capacity of America to win the cold war in which we are engaged by other than military might and sacrifice, in all probability can bring about a real turning point in the cold war. It is thus highly unfortunate so many Americans remain uninformed about this action because it was not considered exciting or important or controversial by such a large segment of the publicity media covering Washington.

However, facts will out. Slowly but surely Americans are learning about this significant development. For example, today's issue of the Washington Evening Star carries as its top column in the editorial section an interpretative piece written by James J. Kilpatrick entitled "Freedom Academy Plan Backed." It is an excellent résumé of what is involved in this important legislation. I urge those who read the CONGRESSIONAL RECORD to write their Congressman or Senators requesting a copy of the committee report issued by the House Committee on Un-American Activities on its favorable action on the Freedom Academy bill. It is informative, interesting, compelling and encouraging reading. It gives real hope that situations such as that in which we are now engaged in Vietnam will not need to be repeated and that peace and freedom may well prevail in this world without war.

Mr. President, I ask unanimous consent that the Kilpatrick column may appear in the body of the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEDOM ACADEMY PLAN BACKED

(By James J. Kilpatrick)

The House Committee on Un-American Activities came up with a bill the other day that has been almost wholly ignored in the press. This is a pity, for the bill is a good bill, intended to fill a critical need, and it ought not to be left to languish for want of public discussion.

The bill would create a new seven-man Freedom Commission, whose principal duty would be to establish and maintain a Freedom Academy. And the principal business of the Academy would be to teach courses and conduct research in "total political warfare" against the Communist foe.

Such a proposal is not new. The bill just reported by the House committee is patterned generally upon a measure actually approved in the Senate 5 years ago. Since then, a bipartisan coalition of liberals and conservatives in both Houses has kept the idea alive. Sponsors of the plan include such respected men as MUNDT, CASE, DODD, DOUGLAS, FONG, HICKENLOOPER, MILLER,

PROUTY, PROXMIER, SCOTT, and SMATHERS in the Senate; and ICHORD, HERLONG, GUBSER, BOGGS, GURNEY, CLAUSEN, ASHBROOK, BUCHANAN, and FEIGHAN in the House.

Some of these gentlemen may disagree on details, but they share a common conviction that the people of the United States—and more critically, the people in key posts in Government—know pitifully little about the nature of communism and the techniques of the Communist conspiracy around the world. By and large, we are babes in this wood. Trustful, innocent, gullible, eager to be loved, Americans by and large refuse to accept the relentless purposes of the Communist ideology. Conventional warfare we understand.

The proposed Freedom Academy would seek to fill this gap through teaching and research. It would maintain a library, publish papers, conduct seminars, cultivate public understanding; and it would draw its students not only from Government agencies, graduate schools, and college faculties here at home, but also from key institutions and governments throughout the free world.

Not surprisingly, the State Department is cold to the plan. In State's view, "the bill as a whole would not serve as a useful instrument of national policy." Granted that we must employ not only military strength but also all of the "political, psychological, economic, and other nonmilitary means at our disposal," the State Department "seriously questions whether comprehensive and realistic plans for dealing with the infinitely complex problems of U.S. foreign affairs can be developed by a new, separate Government agency, especially one without operational responsibilities." In brief, State would leave the job to State.

From a purely administrative viewpoint, the objection may have merit, but it founders in the blunt rebuttal that the State Department itself has failed abysmally to comprehend precisely this field of political warfare. If the State Department, through its Foreign Service Institute, had demonstrated a keen and continuing awareness of Communist imperialism—if it had done its own hard training job—more effective policies might have been devised, first to contain the enemy and then to defeat him.

In any event, the sponsors observe, the Foreign Service Institute exists for purposes at once broader and narrower. Its principal task is to teach the whole of diplomacy to the Department's own personnel. The Freedom Academy would specialize in the field of "Communist external political warfare," and the devising of means to combat it. In the sponsors' view, only an independent agency, cooperating with State, Defense, and the CIA but separate from them, could run the proposed institution.

The committee report gives no indication of the probable cost of the freedom commission (the State Department's cool guess is "several million dollars a year"), but in terms of total outlays for national security the sum would not be large. Quite conceivably, the investment might bring far greater returns than we got from the \$900 million in foreign aid laid out for Indonesia.

NATIONAL AMERICAN LEGION
BASEBALL WEEK—LEGISLATIVE
REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as "National American Legion Baseball Week."

LEGISLATIVE REAPPORTIONMENT: SOUTH DAKOTA
HAS PROUD HISTORY OF EQUALITY

Mr. McGOVERN. Mr. President, it is a fundamental constitutional principle that all citizens shall enjoy equal protection of the laws. The 14th amendment says that no State shall make or enforce any law which abridges the privileges or immunities of U.S. citizens. Furthermore, no State may deprive any person of life, liberty, or property without due process of law. Finally, a State may not deny to any person within its jurisdiction the equal protection of the laws. Indeed, the rallying cry of the American Revolution, which gave birth to our Nation, was based on this concept of equal and just representation—"No taxation without representation."

Acting on the basis of the equal protection clause, the U.S. Supreme Court—in the highly significant case of Reynolds against Sims—ruled that the apportionment of State legislatures must be equitably based upon population: the concept of "one man, one vote." The Senate must now decide whether to nullify the Supreme Court's ruling by passing a constitutional amendment which would allow States to apportion legislatures on factors other than population.

Mr. President, my colleagues in the Senate have ably discussed the legal questions involved in the reapportionment controversy. This year, having passed sweeping legislation to protect voting rights it would be strange indeed for the Senate to decide that certain citizens' votes should mean more than others. I am impressed by the arguments advanced by the junior Senator from Maryland [Mr. TYDINGS] and the junior Senator from New York [Mr. KENNEDY] that passage of the so-called Dirksen amendment would impede the progress of civil rights.

I am especially interested in the effect of reapportionment on the effectiveness of State governments. We hear much today about the desirability of having more vital and energetic governments on the State level. Now we must ask whether a State government which is not responsive to the population distribution in a State can ever be truly effective. If population centers within a State can expect no aid from the State governments, they may feel that their only choice is to go to the Federal Government. Reapportionment on the basis of population is destined to lead to more healthy State and local government and to breathe fresh life and vitality into the principle of local responsibility. The continued existence of malapportionment can only be a hurdle to effective State and local government.

This situation was recognized by the Commission on Intergovernmental Relations, which reported to the President in 1955. The Commission, under the chairmanship of Meyer Kestnbaum, was charged with an examination of the relationship between the States and the National Government in our Federal system. On the question of reapportionment, the report concluded:

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Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.

I am very proud of my State, South Dakota, because it has been responsive to the necessity of fair representation for all our citizens. Article III, section 2, of the South Dakota State constitution declares that the membership of the State senate may vary from not less than 25 to not more than 35. The membership of the State house of representatives may vary from not less than 50 to not more than 75. Because both houses of the South Dakota Legislature are comparatively small, the apportionment problems that arise are particularly difficult to solve. Equitably apportioning the statutory 75 house seats among 67 counties with populations varying from 1,042 to 86,575 is difficult. Even more taxing is the job of dividing the 35 senate seats among the same counties in an equitable manner.

Nevertheless, South Dakota legislatures have made significant and largely successful efforts to apportion the State in accordance with population movements. The South Dakota constitution laid out the legislative districts from which the members of the first State legislature were to be elected. Under section 2, article XIX, this apportionment was to remain in effect until otherwise provided by law. The legislature of 1891 passed a major reapportionment act, and others followed in 1897, 1907, 1911, 1917, and 1937. In addition, adjustments were made in 1903, 1951, and 1961.

Striving to draw apportionments which would reflect population movements, the South Dakota legislatures of the early years sought to take into account the increasing population in the area west of the Missouri River—the West River area. Possessing only 11 percent of the seats in both the house and senate under the original constitutional apportionment of 1889, the West River, in 1961, held 25 percent of the house seats and 29 percent of the senate seats.

The 1961 reapportionment represented a step—although not the final one—on the road to equitable representation. In a paper prepared under the auspices of the Governmental Research Bureau of the State University of South Dakota, Dr. Alan L. Clem, associate director of the bureau, evaluates the 1961 reapportionment. Dr. Clem notes that:

On the basis of sectional representation, the legislature in 1961 did improve matters considerably by shifting a senate seat out of the northeastern quarter (Brown County) and into the West River section (Pennington County). Before the 1961 reapportionment, the West River section had been underrepresented in both the house and the senate.

On the basis of the 1961 apportionment, South Dakota was placed in the "well apportioned" category by Glendon Schubert and Charles Press in an article in the American Political Science Review for June 1964. Still, South Dakota's largest counties remained underrepresented. Once again, in 1965, the State legislature took action to bring legislative apportionment into line with population concentrations. This year, South Dakota has passed both a legislative and congressional reapportionment.

Mr. President, I ask unanimous consent that two tables—one showing the populations of South Dakota's house districts and the other showing the populations of her senate districts—be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, South Dakotans can take pride in the record of our State in living up to the "one-man, one-vote" standard set forth by the Supreme Court. Only 2 of 29 senatorial districts and only 3 of 39 house districts deviate from their respective chamber averages by more than 15 percent. None of the deviations reach 20 percent, and it appears that they have resulted principally from particular ar-

rangements of the population that are invariably a problem in redistricting. South Dakota has done well in complying with the equitable apportionment which is called for both by the Federal and State constitutions.

Professor Clem has written to me concerning the Dirksen amendment. At the close of his letter is this observation which I find eloquent and moving:

May I be allowed, in closing, one personal conclusion. I deeply revere the American political heritage, particularly its Constitution and the principles of self-government, of free government, of limited government, and of responsible government that we associate with it. Crucial to these principles is the political equality of every citizen. In this sense, I strongly believe it would be wise to defeat the Dirksen reapportionment amendment and any other proposal that would limit the rights of Americans to receive fair representation and the equal protection of the laws. As the 1964 court decisions said, the right of qualified citizens to political equality should be beyond the reach of the referendum as well as of the legislative process.

I agree with this well-stated opinion of Professor Clem's. Acting in accordance with the American tradition of political equality and South Dakota's proud history of fair apportionment, I shall oppose this attempt to dilute the Supreme Court's ruling.

EXHIBIT I

TABLE 3.—South Dakota House of Representatives districts, 1965 apportionment

District No.	Members	Counties	Census	Number per member
1	2	Harding and Perkins	8,348	
2	2	Butte	8,592	
3	2	Lawrence	17,075	8,537
4	2	Pennington	68,195	9,699
5	2	Custer and Fall River	15,694	7,797
6	2	Bennett and Shannon	9,053	
7	2	Mellette, Todd, and Washabaugh	8,367	
8	2	Gregory and Tripp	16,160	8,060
9	2	Jackson, Jones, and Lyman	8,479	
10	2	Haakon, Meade, and Ziebach	17,842	8,921
11	2	Campbell and Corson	9,329	
12	2	Dewey and Potter	10,183	
13	2	Hughes, Stanley, and Sully	19,417	9,708
14	2	Walworth	8,097	
15	2	Edmunds, Faulk, and McPherson	16,297	8,148
16	2	Ham and Hyde	9,314	
17	2	Brule and Charles Mix	18,104	9,052
18	2	Brown	34,106	8,526
19	2	Day	10,516	
20	2	Clark and Spink	18,840	9,420
21	2	Beadie	21,682	10,841
22	2	Aurora, Buffalo, and Jerauld	10,344	
23	2	Dawson	16,681	8,340
24	2	Douglas and Hutchinson	16,198	8,099
25	2	Bon Homme	9,229	
26	2	Yankton	17,551	8,775
27	2	Clay	10,810	
28	2	Union	10,197	
29	3	Lincoln and Turner	23,530	7,843
30	3	Minnehaha	86,575	9,619
31	3	McCook	8,268	
32	2	Hanson and Sanborn	9,225	
33	2	Lake and Miner	17,162	8,581
34	2	Moody	8,810	
35	2	Brookings	20,046	10,023
36	2	Hamlin and Kingsbury	16,530	7,765
37	2	Codington	20,220	10,110
38	2	Deuel and Grant	16,695	8,347
39	2	Marshall and Roberts	19,853	9,926
		Total	680,514	